

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

VERNON ROBERTS, as Personal)	
Representative of the Estate of)	
Martha Darlene Roberts, Deceased,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
v.)	
)	2:07-MC-3373-MHT
BARBARA ANN ROBERTS, and)	
ROBERT JOHN SCHIESS, III,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR EXTENSION TO FILE RESPONSE TO
MOTION TO QUASH SUBPOENA AND BRIEF IN SUPPORT THEREOF**

Comes now VERNON ROBERTS, as Personal Representative of the Estate of Martha Darlene Roberts, Deceased, and files this Motion for Extension to File Response to the Motion to Quash Subpoena filed on September 26, 2007 on behalf of Brent Thomas of the Alabama Department of Public Safety, and shows the Court as follows:

1.

On February 2, 2007, Plaintiff filed his Complaint against Defendant Barbara Ann Roberts ("Defendant Roberts") and Defendant Robert John Schiess, III ("Defendant Schiess") in the United States District Court For The Northern District of Georgia, Rome Division.

2.

This is a wrongful death action. On or about April 6, 2006, Defendants abducted, assaulted, battered, and murdered Martha Darlene Roberts.

3.

Defendant Roberts and Defendant Schiess are incarcerated at the Cherokee County, Alabama jail. They are awaiting trial for the murder they committed of Martha Darlene Roberts.

4.

They are being tried separately and the District Attorney's office has indicated that Barbara Roberts would be tried first and presumably tried during the October, 2007 term of Court.

5.

Counsel for Plaintiff learned, on October 15, 2007, that the trial of Barbara Roberts is not likely to occur until the Spring Term of Court.

6.

Defendant Scheiss has filed his Response to the Motion to Quash.

7.

The Court has entered an order allowing the parties through the 15th day of October to show cause.

8.

Counsel for Plaintiff cannot file this Motion or any other proceeding until the Motion for Pro Hac Vice has been filed and granted.

9.

Plaintiff did not plan to file a response until Plaintiff learned of the delay in the prosecution of the criminal matter involving Barbara Roberts.

10.

Wherefore Plaintiff moves and requests the Court to allow him additional time in which to respond to the Motion to Quash, and specifically requests time in which the Motion for Pro Hac Vice can be considered and granted and the Response of Plaintiff can be filed with the Court.

Respectfully submitted this 17th day of October 2007.

BRINSON, ASKEW, BERRY, SEIGLER,
RICHARDSON & DAVIS, LLP

By: s/J. Anderson Davis
J. ANDERSON DAVIS
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Counsel for Plaintiff Vernon Roberts

CERTIFICATE OF SERVICE

I, J. ANDERSON DAVIS, do hereby certify that I have this day served a copy

of the within and foregoing Motion to Allow Additional Time to File Response to Motion to Quash with the Clerk of Court using the CM/EDF system, which will automatically send notification of such filing to the following parties at interest:

C. Gregory Price, Esquire
Attorney for Defendant Robert John Schiess, III

Robert F. Johnston, Jr., Esquire, Deputy District Attorney
300 Grand Avenue South, Suite 505, DeKalb County Courthouse
Fort Payne, AL 35967

J. Haran Lowe, Jr., Attorney for Department of Public Safety
Legal Unit, Post Office Box 1511, Montgomery, AL 36012

and by United States Mail to:

Barbara Ann Roberts, *Pro Se Defendant*, c/o Cherokee County Jail,
110 Cedar Bluff Road, Centre, AL 35960

This 17th day of October 2007.

s/J. Anderson Davis

J. ANDERSON DAVIS